



ATTORNEY'S DOCKET NO: L00461.70112.US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Obata, Yuichi  
 Serial No: 09/835,992  
 Filed: April 17, 2001  
 For: ISOLATED NUCLEIC ACID MOLECULES ASSOCIATED WITH GASTRIC  
 CANCER AND METHODS FOR DIAGNOSING AND TREATING GASTRIC  
 CANCER  
 Examiner: J. Hunt  
 Art Unit: 1642

Commissioner for Patents  
 Washington, D.C. 20231

DECLARATION OF YUICHI OBATA UNDER 37 C.F.R. § 1.132

Sir:

I, Yuichi Obata, declare that:

1. I am the sole inventor of the above-identified patent application. I make this declaration in support of that application and in response to the Non-Final Office Action (paper no. 10) dated March 14, 2003 which I have read.
2. The purpose of this declaration is to describe results obtained using the invention including detection of Sterol Carrier Protein X antibodies in gastric cancer patients and control individuals.
3. To show the data obtained from the practice of the claimed invention, I submit herewith the following table.

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Table 1.: Antibody produced by multiple gastric cancer patients but not by control individuals

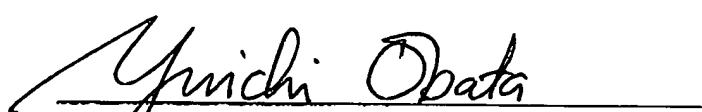
Gene	Gastric cancer patients	Control individuals
Sterol Carrier Protein X	6/44	0/50

4. Table 1 shows serological data wherein a number of serum samples from gastric cancer patients and control individuals were tested for the presence of antibodies that bind Sterol Carrier Protein X. These results were obtained using the methods, nucleotide sequences and other guidance presented in the above identified patent application.

5. Of the 44 gastric cancer patient samples examined for antibodies to Sterol Carrier Protein X, 6 of the samples contained these antibodies. None of the 55 control individual samples tested contained antibodies to Sterol Carrier Protein X.

6. The results demonstrate that the presence of antibodies to Sterol Carrier Protein X are diagnostic for gastric cancer. Because the foregoing results were obtained using the guidance presented in the specification, it is my opinion that the specification contains sufficient guidance for one of ordinary skill in the art to practice the claimed diagnostic methods.

I, Yuichi Obata, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this document and any patent which may issue from the above-identified patent application.

Date: June 24, 03



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Yuichi Obata  
Chikusa-ku  
Nagoya 464  
Japan

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